

Navigating Change: Practical Guidelines for Aging Institutes

- April 2024
- by Amy Hereford, CSJ, JD, JCD
- <http://www.ahereford.org>
- amyhereford@gmail.com

Canons

Canon 580 Aggregation The aggregation of one institute of consecrated life to another is reserved to the competent authority of the aggregating institute, always safeguarding the canonical autonomy of the other institute.

Canon 581 Parts It is for the competent authority of the institute to divide the institute into parts, by whatever name these may be called, to establish new parts, or to unite or otherwise modify those in existence, in accordance with the constitutions.

Canon 582 Restructuring Fusions and unions of institutes of consecrated life are reserved to the Apostolic See alone. To it are likewise reserved confederations or federations.

Canon 584 Suppression Only the Apostolic See can suppress an institute and dispose of its temporal goods.

Canon 585 Suppression of Parts The competent authority of an institute can suppress parts of the same institute.

Canon 586 Autonomy §1 A true autonomy of life, especially of governance, is recognized for each institute. This autonomy means that each institute has its own discipline in the Church and can preserve whole and entire the patrimony described in can. 578.

§2 Local Ordinaries have the responsibility of preserving and safeguarding this autonomy.

Canon 593 Pontifical Right In their internal governance and discipline, pontifical institutes are subject directly and exclusively to the authority of the Apostolic See, without prejudice to canon 586.

Canon 594 Diocesan Right An institute of diocesan right remains under the special care of the diocesan Bishop, without prejudice to canon 586.

Canon 623 Qualifications In order for members to be appointed or elected validly to the function of superior, a suitable time is required after perpetual or definitive profession, to be determined by proper law, or if it concerns major superiors, by the constitutions.

Canon 670 Right to All Necessary for Vocation The institute must supply the members with everything that, in accordance with the constitutions, is necessary to fulfill the purpose of their vocation.

Scope of the Issue

- Hundreds of institutes
- Median age in the 80s
- Fewer available with the energy, capacity, and temperament for leadership
- Local Churches losing leadership of religious in ministry and spirituality

Historical Insights

- *Perfectae caritatis* ('65) #21 - recommended merger and affiliation for declining institutes
- Under this model, the remaining institutes could have 5-10 institutes merging or affiliating
- Does this model allow for the flourishing of these remaining institutes? or the flourishing of religious life?
- Motu Proprio *Ecclesiae sanctae* ('66) gave indicia of decline
 - the *small number* of religious in proportion to the age of the institute or the monastery,
 - the *lack of candidates* over a period of several years,
 - the *advanced age* of the majority of its members.
- Covenant relationship - larger more stable communities take on the responsibility of caring for smaller more fragile communities.
- Commissary or Canonical Trustee - An individual religious appointed by the competent authority to take on responsibility for a community unable to supply its leadership.

Diverse situations

- Size
- Location and geographic spread
- Internal resources and finances
- Local/regional
 - Church
 - religious communities
 - community support and capacity
 - historical ministries
- Governance structure
- Diocesan right / Pontifical right /
- Contemplative monasteries - *Vultum Dei / Cor orans*
- Federation

Completion of Life Journey in the US

- Two centuries of steady growth, sometimes outpacing population growth

- Dramatic decline - outside our national experience
- 1986 NRRO formed by USCCB, CMSM, and LCWR to help address the funding shortfall

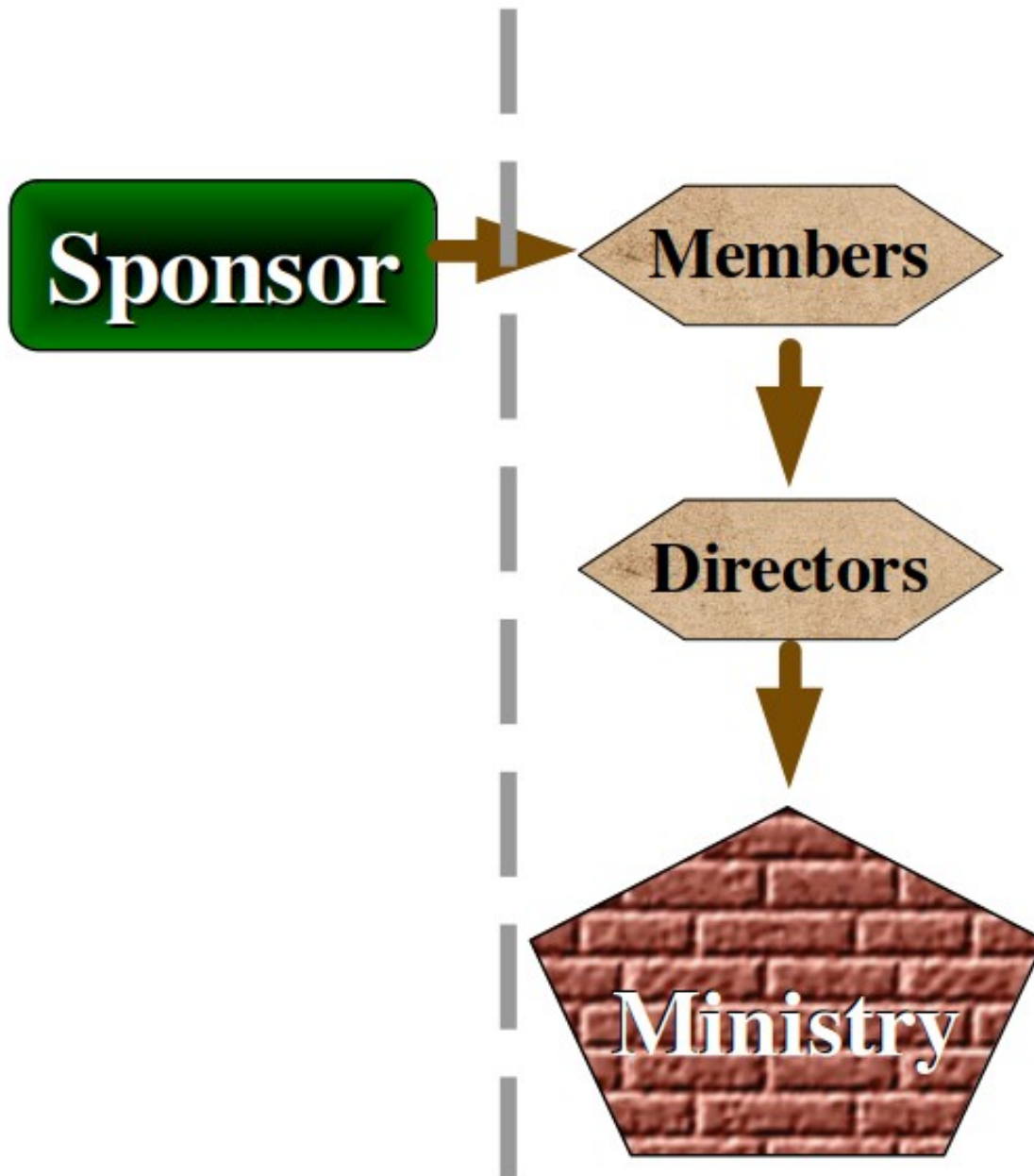
Theology of Completion

- JB Metz / Karl Rahner
- *Ars moriendi* Unlike the wider Church, religious institutes are not intended to live forever.
- The “gates of Hell will not prevail against [the church].”
- Religious institutes are gifts of the Spirit that blows where it will
- They have a life-span
- Death is an ending of the life-cycle, not failure or defeat
- We have a paschal theology.
- Only if we “cling desperately” to what is passing away, will the end be a defeat. (Metz)
- Our most important role as Christians is to say “yes” to God, and the final, most complete yes we are called to say is the yes to death. (Rahner)
- Our call is to come, to follow, to lay down our lives, and to surrender even in death to the call of God who is never absent in our journey.

Journey to Completion

- Orderly transition of ministries
- Ensure the suitable care of each of its members,
- Passing on of the spiritual patrimony of the institute
- Settling its legacy, and disposition of any remaining temporal goods.
- **SEAL**

Sponsorship



- Traditional Sponsorship
 - *Missio* - ensuring the Mission and Catholic Identity
 - *Communio* - ensuring Communion with the Church
 - Mechanism - Two-Tiered Board with reserve powers 4Ps:
 - **P**eople-key leaders, **P**urposes, **P**roperty-ecclesiastical goods, **P**aper-amendment and dissolution
 - Oversee operations and finances, overall accountability for programs
- Transferring Sponsorship

- Ministerial Public Juridic Person
- Acknowledged as Catholic (primary & secondary schools) C 803
- No formal sponsorship

Considerations

- Viability - precedes sponsorship consideration
 - Legacy vehicle, grant, trust, etc. discussed below
 - Legacy strategy
 - One-time grant
 - Endowment
 - Bridge to sustainability
- Education/communication
- Amend civil governing documents
- Institute's ongoing relationship through prayer, support and volunteers

Eldercare

- Care Plan
 - living arrangements
 - pastoral care, family care, POA
 - opportunities for collaboration
- Funding
 - Held in Operations, Fund or Trust
 - **Trust** \$\$ held by Trustee for Beneficiary
 - Trustee
 - Institute, often leadership,
 - Non-member trustees with reserve to canonical leadership
 - Beneficiary
 - Sick, aged, and infirm sr/br
 - Use trust for institute estate planning: settle assets
 - for care
 - for legacy
 - traditional ministries
 - new and emerging needs
 - other units or other religious

Administration

- Canonical Leadership historically serves as the Board of Directors, oversees the administration, and is often extensively involved in administration.
- Effective oversight by canonical leadership is critical
 - Administration can be entrusted to laity,
 - Support canonical leadership with professional staff and committees
 - Laity can serve on the board of directors
- Establish a right-sized administrative support system.

- Collaborate with other institutes/units
- Support elected leadership and later forms of canonical leadership
- Develop a succession plan and put it into the institute's civil documents.
- Ensure that when entrusting increasing authority to others, the institute is protected.

Collaborative Community Assistance Ministry

Sponsorship

- Relations *ad extra*

Eldercare

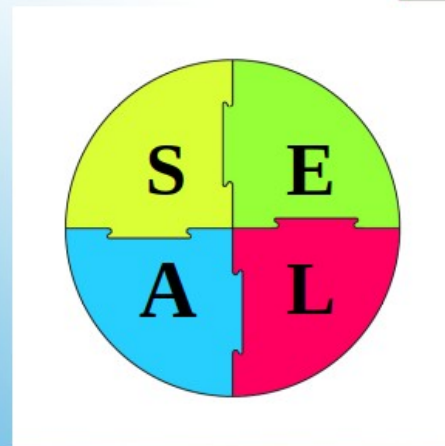
- Care for members

Aministration

- Property, Finance, Operations

Leadership (Canonical)

- Oversight
- Pastoral leadership
- Safeguarding the autonomy of the institute



- Regional collaboration for support with Eldercare and Administration
- Potential collaboration in supporting commissaries
- Importance and urgency of establishing as need is growing
- National (NL,CAN,AU) and regional examples exist
- Federations

Leadership

- Canonical Leadership
- Canon 623 To be validly appointed or elected to the office of superior, members must have been perpetually or definitively professed for an appropriate period of time, to be determined by their own law or, for major Superiors, by the constitutions.
- The canonical minimum is one leader and two councilors, who may act collaboratively.
- When no sister or brother is capable or available for this ministry
- Turn outside for a canonical leader
 - A member or another religious

- appointed by competent ecclesiastical authority - set aside elections outlined in the constitutions and ask for the appointment of a br/sr, with a mechanism for review
- Qualifications:
 - Competent - canonical, pastoral, administrative, financial, legal oversight
 - Disinterested - no financial or canonical interest, not a diocesan employee
 - Canon 318 §1: In special circumstances and where grave reasons require it, the ecclesiastical authority mentioned in can. 312 §1 can designate a *commissarium* (trustee) who is to direct the association for a time in its name.
- Merge with another institute or region - rarely a preferred choice
- Requires about 18 months to implement once a path is chosen.
- Alternate path for units: c 585
 - Establish an alternate plan for governance
 - No 'province governance'
 - Former provinces - by another name for clarity
 - Governed by elected or appointed br/sr
 - Value of elected or appointed councilors
 - Who together form an expanded congregational council
- Confederation - an association of institutes in a federation - retaining autonomy and sharing leadership.

Commissary Petition

- Petition (3-5 pages) - narrative is supported by data in appendices.
 - Request
 - Reasoning
 - Brief History Leading to Petition
 - Consultation and Votes of Community
 - Financial Security
 - Conclusion
 - Signed by Canonical leader
- Appendices - tables and lists communicate the information more concisely
 - History of Community from foundation to present (1-2 pages)
 - Srs/Brs, ages, living arrangements, and ministry (1 page)
 - Timeline of Meetings / Decision with Community and Commissary (1-2 pages)
 - Council Minutes of Community Resolution for the petition (1 page)
 - USCCB NRRO Retirement Needs Analysis Report
- Letters of Support
 - Bishop (1-2 pages)
 - Appreciation for the community
 - The community informed me of their plan to...
 - I support the plan.
 - Prayers and let me know how I can help.

Legacy

- Canon 634 - Religious Institutes have the “capacity to acquire, possess, administer and alienate temporal goods.”
- Canon 123 - On the extinction of a public juridical person,
 - the arrangements for its patrimonial goods and rights, and for its liabilities,
 - are determined by law and statutes.
 - If these do not deal with the matter,
 - the arrangements devolve upon the next higher juridical person,
 - always with due regard for the wishes of the founders or benefactors and for acquired rights.
- Canon 584 - The suppression of an institute pertains only to the Apostolic See; a decision regarding the temporal goods of the institute is also reserved to the Apostolic See.
 - Holy See generally respects the stated dispositions of an institute
 - For the historical ministries of the institute
 - In keeping with the life and mission of the institute
 - The fund for elderly religious,
 - An institute that supports it in the declining years.
- Trust
 - Legacy clause in a retirement trust
 - Legacy Trust

Take Aways

- Plan ahead
- Be realistic
- Collaborate
- You're not alone
- Be generous and trust

Bibliography

Hereford, Amy. [Beyond the Crossroads: Religious Life in the 21st Century](#). New York: Orbis Books, 2019.

———. “Canon 580: Aggregation and Covenants.” *Roman Replies and CLSA Advisory Opinions*, 2012, 83–86.

———. “Canon 584: Merging of Institutes.” *Roman Replies and CLSA Advisory Opinions*, 2011, 90–93.

———. “Canon 625: Minimum Numbers for Governance in a Religious Institute.” *Roman Replies and CLSA Advisory Opinions*, 2016.

———. “Canon 634: Legacy Distributions for Religious Institutes.” *Roman Replies and CLSA Advisory Opinions*, 2018.

———. “Charitable Trusts Twenty-Five Years Later.” *Legal Bulletin* 73 (2002): 17–37.

- . [“Congregational Legacy Trust.”](#) *RLC Newsletter* 17, no. 4 (2017): 1-4.
- . [“Ministerial Public Juridic Person.”](#) *RLC Newsletter* 17, no. 3 (2017): 1-4.
- . [Navigating Change](#): The Role of Law in the Life-Cycle of a Religious Institute. St. Louis, MO: Religious Life Project, 2015.
- . “Practical Guidelines for Aging Religious Institutes.” In *RCRI Bulletin*, 4-20. Silver Spring, MD: RCRI, 2015.
- . “Religious Institutes Coming to Completion and Their Legacy.” Presentation at RCRI, October 3, 2019, Dallas Texas
- . [“Transitioning Leadership.”](#) *RLC Newsletter* 17, no. 2 (2017): 1-4.
- . “Transitioning Sponsorship.” *RCRI Bulletin* 17 (2017): 5-18.